

SENATE RECORD VOTE ANALYSIS

105th Congress
1st Session

Vote No. 83

May 22, 1997, 8:00 pm
Page S-4986 Temp. Record

BUDGET RESOLUTION/Points of Order Using BBA Restraints

SUBJECT: Senate Concurrent Budget Resolution for fiscal years 1998-2002 . . . S.Con. Res. 27. Ashcroft motion to waive section 305(b)(2) of the Budget Act for the consideration of the Ashcroft amendment No. 322.

ACTION: MOTION REJECTED, 41-58

SYNOPSIS: As reported, S. Con Res. 27, the Concurrent Budget Resolution for fiscal year 1998, will balance the Federal budget in fiscal year (FY) 2002 by slowing the overall rate of growth in spending over the next 5 years to below the rate of growth in revenue collections (the Congressional Budget Office recently revised upwards its 5-year revenue estimate by \$225 billion).

The Ashcroft amendment would make it out of order to consider any legislation or amendment or motion thereto in either House of Congress that would cause any of the following:

- total outlays for fiscal year 2002 or any year thereafter to exceed total receipts, unless three-fifths of the whole number of each House provided for a specific excess of outlays by a rollcall vote;
- an increase in the statutory limit on the public debt as set forth in this budget resolution for any of the fiscal years 1998-2002, or increase in any year thereafter, unless three-fifths of the whole number of each House provided for such an increase by a rollcall vote; or
- an increase in revenues, unless approved by a majority of the whole number of each House by a rollcall vote.

Congress could waive these requirements for any fiscal year in which a declaration of war was in effect. It could also waive these requirements for any fiscal year in which the United States was engaged in military conflict which caused an imminent and serious military threat to national security and was so declared by a joint resolution, adopted by a majority of the whole number of each House, which became law. The term "receipts" would include all receipts of the United States Government except those derived from borrowing. The term "total outlays" would include all outlays of the United States Government except for those for repayment of debt principal. The term "increase in revenues" would mean a new tax or an increase in the rate or base of any tax. (The language

(See other side)

YEAS (41)			NAYS (58)			NOT VOTING (1)	
Republicans (39 or 72%)		Democrats (2 or 4%)	Republicans (15 or 28%)	Democrats (43 or 96%)		Republicans (1)	Democrats (0)
Abraham	Inhofe	Harkin	Bennett	Akaka	Johnson	Coats- ²	
Allard	Kempthorne	Wyden	Campbell	Baucus	Kennedy		
Ashcroft	Kyl		Chafee	Biden	Kerrey		
Bond	Mack		Cochran	Bingaman	Kerry		
Brownback	McCain		Collins	Boxer	Kohl		
Burns	McConnell		D'Amato	Breaux	Landrieu		
Coverdell	Murkowski		DeWine	Bryan	Lautenberg		
Craig	Nickles		Domenici	Bumpers	Leahy		
Enzi	Santorum		Gorton	Byrd	Levin		
Faircloth	Sessions		Jeffords	Cleland	Lieberman		
Frist	Shelby		Lott	Conrad	Mikulski		
Gramm	Smith, Bob		Lugar	Daschle	Moseley-Braun		
Grams	Smith, Gordon		Roberts	Dodd	Moynihan		
Grassley	Snowe		Roth	Dorgan	Murray		
Gregg	Stevens		Specter	Durbin	Reed		
Hagel	Thomas			Feingold	Reid		
Hatch	Thompson			Feinstein	Robb		
Helms	Thurmond			Ford	Rockefeller		
Hutchinson	Warner			Glenn	Sarbanes		
Hutchison				Graham	Torricelli		
				Hollings	Wellstone		
				Inouye			

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

of the Ashcroft amendment mirrors the language of the Balanced Budget Constitutional Amendment considered earlier this year; see vote Nos. 8, 10, 12, and 14-24).

Debate on a first-degree amendment to a budget resolution is limited to 2 hours. Debate on the Ashcroft amendment was further limited by unanimous consent. Following debate, Senator Lautenberg raised the point of order that the Ashcroft amendment violated section 305(b)(2) of the Budget Act. Senator Ashcroft then moved to waive that section for the consideration of the amendment. Generally, those favoring the motion to waive favored the amendment; those opposing the motion to waive opposed the amendment.

Those favoring the motion to waive contended:

There is nothing new about any of the requirements in the Ashcroft amendment. They have been debated and voted on extensively in this Congress and in many previous Congresses as the main elements of proposals to amend the Constitution to require a balanced budget. Well more than two-thirds of all current Senators have voted to lock these requirements into the Constitution; unfortunately, each time it has appeared that the two-thirds majority that has been needed to approve a constitutional amendment has been reached, a few Senators have found reasons, or perhaps excuses, to change their votes to "no." This year, the Senate was one vote short. We note that the constitutional amendment that 66 Senators voted to adopt would have taken effect in 2002, and was supported under the assumption that Congress would gradually eliminate the deficit before then; it would not just make sudden, huge adjustments in 2002. We further note that this budget resolution will follow the path advocated when those 66 Senators voted to pass the constitutional balanced budget amendment. Some Senators have looked at these facts and come to the conclusion that because a budget agreement has been reached that says it will accomplish the goals of the constitutional balanced budget amendment, a constitutional balanced budget amendment is not needed. These Senators, we believe, are sincere. Flush with the success of having negotiated this 5-year plan, they are confident that they and future Members will follow it when specific, very hard decisions will have to be made on particular programs and tax changes.

Though our colleagues may be sincere, we have every reason to believe they are sincerely wrong. It may not be politic to say it, but in its efforts to balance the budget Congress has passed more 5-year plans than Joe Stalin, and the results have been dismal. Those budget resolutions have usually exercised very little restraint in their first years, and have only reached balance by calling for large cuts in the outyears, to be made by future Presidents and Congresses. When those future Presidents and Congresses have arrived, they have not been willing to make the cuts called for by their predecessors; instead, they have dodged the bullet by passing new 5-year plans, with lots of fun spending up front and painful budget decisions in the distant future. The reality of any 5-year plan is that only the first year's numbers count; those are the numbers that will be followed (or are supposed to be followed) in setting that year's tax and spending decisions. The next year, a new budget resolution will be adopted, which may or may not conform to the previous year's 5-year plan. (The only exception is for mandatory spending, and the only time Congress has ever dared propose placing realistic restraints on mandatory spending was in the 104th Congress; President Clinton vetoed those proposals. The mandatory restraints in this bill are scored as sizable, but they are price control and accounting gimmicks that will fail to result in real savings). When Members have been lucky because the economy has performed well, they have been able to stick with budget plans, but as soon as it has done worse than expected they have quickly abandoned them for new plans so that they could have a little more immediate deficit spending.

The economy has tended to follow an up-and-down cycle that has been pretty independent of Government actions. Based on past patterns, the United States should be nearing the end of a growth cycle. This budget resolution does not make that assumption, however. Instead, it assumes that the economy is going to grow energetically for the next 5 years. Like previous 5-year plans, it also provides that almost all of its savings will come in the outyears. In fact, in the first year it will actually increase the deficit from where it would be if Congress did absolutely nothing this year. In other words, according to this agreement, the first step that should be taken to bring the budget into balance by 2002 is to make the deficit even bigger in 1998.

Looking at this historical background, and how this particular budget appears to be no different than all of the other optimistic plans that said in a few years Congress would make the tough choices necessary, we do not see any basis for our colleagues' claim that this time is different. We know that they mean what they are saying now, but we are also certain that many of them will find other arguments more compelling in future years when they are asked to spend more money. The problem, as we have gone into in detail on balanced budget amendment votes, is systemic. Members mean well, but the rules under which the Federal Government operates encourage taxing and spending and discourage efforts to operate within budget constraints. A large number of us have served in State governments that have had much more sensible budget rules; most States have balanced budget requirements such as those contained in the Ashcroft amendment, and most States have line-item vetoes. Some States are dominated by conservative legislators, others are dominated by liberal legislators, but despite their differing views on the proper size and role of government they have been able to live within their means. Balancing the budget should not be a liberal or conservative issue; it should be a matter of commonsense.

The only way that the Ashcroft amendment could be said to violate the budget agreement is if some Senators are signing on to

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it in bad faith. If Senators really want to see it work, they should strongly support the requirements in this amendment that will make it much more difficult for future Congresses to violate it. Even those Senators who strongly oppose a constitutional amendment should favor this amendment, because it would be nothing but a rule that could be overturned in the future by a simple majority vote. None of the constitutional concerns our colleagues have raised in the past would apply. The Ashcroft amendment would make it much more likely that this balanced budget plan would succeed where all previous plans have failed. We urge Senators to give it their support.

Those opposing the motion to waive contended:

Argument 1:

The Ashcroft amendment is a little bit insulting. This budget agreement is a deal between Members and a President. In reaching this deal, they effectively gave their word that they would use it as a blueprint to balance the budget by 2002. The parties to this agreement, whether Republican or Democrat, are honorable people. They are not going to renege on their commitment to get to balance in 2002. However, the Ashcroft amendment seems to suggest that they cannot be trusted. When difficult votes come, the amendment seems to suggest it will be hard to find a majority of Members who will vote against increasing the debt or otherwise abandoning this deal. We are used to this debate; we have had it plenty of times before on constitutional balanced budget amendment votes. We have always opposed passing constitutional supermajority vote requirements on budgeting, and we oppose passing them as part of this budget resolution as well. The Ashcroft amendment would make major changes to the budget agreement which we cannot support. We thus oppose the motion to waive.

Argument 2:

Our colleagues comments on this agreement have some validity, though we certainly do not share their pessimistic view about its overall value. On balance, the compromises are fair. Our view on the merits of this resolution aside, the points of order in the Ashcroft amendment should be adopted. Unfortunately, though, we must oppose their adoption on procedural grounds. This budget resolution, unlike the vast majority of budget resolutions that have been considered over the years, is a product of compromise. Republicans and Democrats in Congress and the White House hammered out a very balanced document. The agreement they negotiated was negotiated on the expectation that it would be implemented under the current set of budget rules. The Ashcroft amendment, though, would make very significant changes to those budget rules. Those changes would make it much more difficult to deficit-spend or raise taxes, and those changes are strongly opposed by a large number of Democrats. While it is true that the amendment would not change any of the specific policy decisions in the resolution, it would have a great effect on future budgeting that was not anticipated by the negotiators on this resolution. On that basis, we must reluctantly oppose the Ashcroft amendment.